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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
800.0346.U1(US)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on January 26, 2011

Signature Elaine F. Mian

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Application Number	Filed
10/576,507	4/17/2006

First Named Inventor
Ossi Kalevo

Art Unit	Examiner
2624	Chu, Randolph I

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

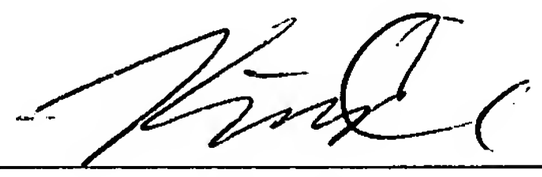
I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☑ attorney or agent of record.
Registration number 61,545

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____



Signature

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January 26, 2011
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _ forms are submitted.

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:

APPLICANTS: Kalevo, et al.

SERIAL NO.: 10/576,507 FILING DATE: April 17, 2006

EXAMINER: Chu, Randolph I ART UNIT: 2624

ATTORNEY'S DOCKET NO.: 800.0346.U1 (US)

TITLE: METHOD AND APPARATUS FOR DOWNSCALING A DIGITAL MATRIX IMAGE

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PRE-APPEAL BRIEF REQUEST FOR REVIEW ATTACHMENT

The following is a concise recitation of at least one **clear error** in the Examiner's Final Rejection mailed on October 26, 2010. In the present application, claims 1-8 and 10-20 are pending. Claims 1-8 and 10-20 are rejected. Claim 9 has been previously canceled.

The Examiner has rejected claims 13-15 under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. The Applicants assert that the claims, as previously amended, overcome this rejection and respectfully request the Examiner withdraw this rejection to claims 13-15.

Claim 13 recites "displaying the first, coarse scaling in an analog form" and the specification discloses "The method according to the invention includes **two scaling stages**, Figure 1. The **first, coarse stage is simple**... The first stage can be **shown in an analog**... **form**" (page 4, lines 9-21, emphasis added). The Examiner asserts "the specification does not describe how digital image scaling is done by analog". However, claim 13 discloses "displaying" "scaling in an analog form" as described in the specification. Clearly, claim 13 complies with the enablement requirement.

Claims 14-15 recite similar language to that discussed above with reference to claim 13; for at least this reason, claims 14-15 likewise comply with the enablement requirement. As

these claims were not rejected based on prior art, they should be indicated as being allowable as there is a **clear error** on the part of the Examiner in making this rejection.

The Examiner has rejected claims 1, 3, 5-7, 12 and 16-20 as being unpatentable under 35 U.S.C. § 103(a) over Mutoh (U.S. Patent Publication No. 2004/0057634), herein Mutoh; claim 2 as being unpatentable under 35 U.S.C. § 103(a) over Mutoh in view of Yamaguchi (U.S. Patent No. 6,424,753), herein Yamaguchi; claim 4 as being unpatentable under 35 U.S.C. § 103(a) over Mutoh in view of Kamon (U.S. Patent No. 4,827,433), herein Kamon; claim 8 as being unpatentable under 35 U.S.C. § 103(a) over Mutoh in view of Kim (U.S. Patent Publication No. 2002/0060676), herein Kim; claim 10 as being unpatentable under 35 U.S.C. § 103(a) over Mutoh in view of Nijand (U.S. Patent No. 7,203,379), herein Nijand; and claim 11 as being unpatentable under 35 U.S.C. § 103(a) over Mutoh in view of Yang, et al. (U.S. Patent Publication No. 2002/0025084), herein Yang. The Applicants include the following comments to clearly distinguish the claimed invention over the art cited by the Examiner, and to show the at least one clear error on the part of the Examiner when making the final rejection based on prior art.

The Examiner asserts that Mutoh teaches:

> "receiving, from a first processor at a second processor, an intermediate matrix having a coarse scaling ratio 1/X as compared to an original matrix (Fig. 17 ref label S72, S73 and S74, para [0152]), and
>
> "**fine scaling, by the second processor, the intermediate matrix** by using a ratio Y/Z (ZZ/Z1) to create a final matrix image having a scaling ratio R (ZZ at Fig. 17 Start) as compared to the original matrix (Fig. 17 ref label S74 and S75); where Y<Z, the scaling ratio R corresponds approximately to an equation Y/(Z*X), and coarse scaling is simpler than fine scaling. (The embodiment of Fig 17 Mutoh is a size change processing such as a magnification processing and size reduction processing or so (para [0150])...
>
> "Also, **coarse scaling (1/8) is simpler** then fine scaling (80/84). After coarse scaling, image size would be smaller, so that there requires smaller memory and computational requirement is reduced.)" (emphasis added).

Mutoh discloses that the "first processing way" is "high-order image processing" and "the processing time required" is "significantly larger then that in the second processing way". This "first processing way" includes "**advanced** image processing". For example, Mutoh teaches the "first processing way" "includes a high-order processing such as a jaggy

processing" which "should be applied **only** for the size-change processing for **the integer size-change portion**" which is "performed in the first processing way". The "second processing way" (which does not include the "high-order processing") is described as "**simple** size-change processing" (see paragraphs [0083] and [0152]-[0153]).

Assuming, arguendo, that the "first processing way" is analogous to the "coarse scaling" and that the "second processing way" is analogous to "fine scaling" (which the Applicants do not so assert), Mutoh teaches that the "fine scaling" is simpler than the "coarse scaling". This is in contradiction to where "coarse scaling is **simpler** than fine scaling" as in claim 1. Clearly, Mutoh does not disclose or suggest "coarse scaling is simpler than fine scaling" as in claim 1.

In the Response to Arguments section, the Examiner asserts that "Jaggy processing in Mutoh is extra process that make image smooth [sic], it is nothing to do with scaling". However, Mutoh clearly teaches that "jaggy processing **should be applied** only... for the **integer size-change portion**" (see paragraph [0153]). As disclosed, "jaggy processing" is applied for "the first processing way" where the "magnifying rate in which a jaggy would become conspicuous, or throughout of a size-reduction processing for a size-reduction rate in which a Moir or so would become conspicuous" and then the "advanced image processing" may be avoided in the "the simple second processing" where "jaggy or Moir has thus become not conspicuous as a result of the first application of the first processing way" (see paragraph [0145]). As disclosed, the "high-order processing" (e.g., "jaggy processing") is included as an essential element of "the first processing way" in order to **avoid** additional processing in the "**simple** second processing". Clearly, Mutoh does not disclose or suggest that the "first processing way" is simpler than the "**simple** second processing".

Mutoh teaches that the functions of "an image processing part 33" are performed by the "CPU part". There is no disclosure or suggestion of "**receiving**, from a first processor **at a second processor**, an intermediate matrix" and "fine scaling, **by the second processor**, the intermediate matrix" (see paragraph [0064]-[0065]).

It is unclear where Mutoh is suggested to teach "receiving" "an intermediate matrix" at any processor. Rather, Mutoh teaches that both functions are performed by the "CPU part" and there is no indication that the "intermediate matrix" is "received". Clearly, Mutoh does not disclose or suggest "receiving, from a first processor at a second processor, an

intermediate matrix having a coarse scaling ratio 1/X as compared to an original matrix" and "fine scaling, by the second processor, the intermediate matrix by using a ratio Y/Z to create a final matrix image having a scaling ratio R as compared to the original matrix" as in claim 1.

As claims 6 and 12 recite similar language to that discussed above with reference to claim 1; claims 6 and 12 are likewise in condition for allowance. Claims 3, 5 and 7 depend upon claim 1. For at least this reason, they are likewise in condition for allowance.

As claims 1, 6 and 12 are allowable over Mutoh then all claims that depend from claims 1, 6 and 12 should also be allowable over Mutoh, whether considered alone or in combination with other art cited as applied by the Examiner. Further, the addition of the disclosures of Yamaguchi, Kamon, Kim, DiNicola, Nijand and/or Yang to Mutoh (without admitting that such combinations are suggested or technically feasible), would not cure the deficiencies in the disclosure of Mutoh. For at least this reason, claims 2, 4, 8 and 10-11 are in condition for allowance.

Regarding claim 5, the Examiner asserts that Mutoh teaches "that 1/X is approximately Y/Z (para [0150] - [0152], scaling rate is close to 1, then 1/X is approximately Y/Z". However, Mutoh teaches that "magnification or size reduction for the **integer size-change portion** Z1 (`8` in the above-mentioned example) is performed" and "after that, **for the remaining fraction** size-change portion (ZZ/Z1, i.e., (8.4)/8=1.05, in the above-mentioned example), the second processing way which is a simple size-change processing is applied (Steps S74 and S75)". Note that Mutoh teaches that "ZZ" is the "given target size-change rate".

Mutoh teaches an "integer size-change portion Z1" and a "remaining fraction size-change portion" which is defined as "ZZ/Z1". Therefore, the "fraction size-change portion" performs a scaling function defined by the "integer size-change" (Z1) and the "given target size-change rate" (ZZ). There is no disclosure or suggestion as to what considerations are made regarding the selection of Z1 other than it is an "integer size-change portion".

Assuming, arguendo, that the "integer size-change" is analogous to the "coarse scaling" and that the "remaining fraction size-change portion" is analogous to the "fine scaling" (which the Applicants do not so assert), there is still no discussion regarding limitations on

the "integer size-change portion" rate to be approximately the "fraction size-change portion" rate. Clearly, Mutoh does not disclose or suggest "**selecting** X, Y and Z so that 1/X is approximately Y/Z" as in claim 5.

In the Response to Arguments section, the Examiner asserts that "If scaling (reduction) ratio is 1.05, **Z1** would be 1 and ZZ/**Z1** would be 1/1.05 (or 100/105), therefore, Mutah teaches 1/X is approximately Y/Z" (emphasis added). However, this either alleges that Z1 is both 1 and 105 or this alleges that Z1 is both 1 and 1.05 (this interpretation is in direct contradiction to the element of claim 1 where "X, Y, and Z are non-zero **integers**"). Regardless of the interpretation, this does not suggest or disclose that "Z1" (as allegedly analogous to X and Z) and "ZZ" (as allegedly analogous to Y) are "**selected**" so that "1/Z1" is approximately "ZZ/Z1".

Following the alleged interpretation of Mutoh (which the Applicants do not assert is valid), an example may be theorized where Z1 = 1 and ZZ = 1.05 (again ZZ = 1.05 contradicts the claim language of non-zero integers). However, this implies a "coarse scaling" of 1 which is no change to scale. Clearly, this does not teach "an **intermediate** matrix having a coarse scaling ratio 1/X" as in claim 1.

In view of the foregoing showing of at least one **clear error** that is inherent in the Examiner's rejection under 35 U.S.C. 103(a) of claims 1-8, 10-12 and 16-20; the participants of the Pre-Appeal Conference are respectfully requested to reconsider and remove the rejections based on Mutoh, and to also allow claims 1-8, 10-12 and 16-20.

Respectfully submitted:

01/26/11

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